

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**CASIE JO MCGEE and SARA ELIZABETH
ADKINS; JUSTIN MURDOCK and WILLIAM
GLAVARIS; and NANCY ELIZABETH
MICHAEL and JANE LOUISE FENTON,
Individually and as next friends of A.S.M.,
minor child,**

Plaintiffs,

v.

Civil Action No. 3:13-24068

**KAREN S. COLE, in her official capacity as
CABELL COUNTY CLERK; and VERA J.
MCCORMICK, in her official capacity as
KANAWHA COUNTY CLERK,
Defendants,**

and

**STATE OF WEST VIRGINIA,
Defendant-Intervenor.**

**DEFENDANTS' AND DEFENDANT-INTERVENOR'S
UNOPPOSED JOINT MOTION TO EXTEND THE DEADLINE TO
RESPOND TO PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES, EXPENSES AND COSTS**

Defendants Karen S. Cole ("Ms. Cole"), by counsel, Lee Murray Hall, Sarah A. Walling, and Jenkins Fenstermaker, PLLC, and Vera McCormick ("Ms. McCormick"), by counsel, Charles R. Bailey, Michael W. Taylor, and Bailey & Wyant, PLLC and Defendant-Intervenor State of West Virginia, by counsel, Elbert Lin, Julie A. Warren, and Julie M. Blake move this Court jointly, and without opposition, for an order extending the deadline for Defendants and

Defendant-Intervenor to respond to Plaintiffs' Motion for Attorneys' Fees, Expenses and Costs, from the current deadline of December 19, 2014 to January 16, 2015.

In support thereof, Defendants and Defendant-Intervenor state:

1. Plaintiffs filed and served their Motion for Attorneys' Fees, Expenses and Costs, and their Memorandum in support thereof, on December 2, 2014 (ECF No. 145, 146).

2. Under the Local Rules and the Federal Rules of Civil Procedure, Defendants and Defendant-Intervenor have seventeen days—until December 19, 2014—to file their respective responses. See L.R. Civ. P. 7.1(a)(7) (requiring any reply to be filed and served “within 14 days from the date of service of the motion.”); Fed. R. Civ. P. 6(d) (adding three days “after the period would otherwise expire” when service is performed electronically).

3. Due to the press of other matters for Defendants' and Defendant-Intervenor's counsel, Counsel for the Defendant-Intervenor conferred with Plaintiffs' Counsel, John H. Tinney, Jr., and it was agreed that Plaintiffs would not oppose an extension until January 16, 2014, for Defendants and Defendant-Intervenor to file their respective responses to Plaintiffs' Motion for Attorneys' Fees, Expenses and Costs and supporting Memorandum.

4. The proposed extension to January 16, 2015 will not prejudice the Plaintiffs, nor is it being requested for the purpose of delay.

5. The proposed extension to January 16, 2015, ensures Defendants and Defendant-Intervenor sufficient time to properly brief the merits of Plaintiffs' demand for attorneys' fees, expenses and costs.

Respectfully submitted,

**ATTORNEYS FOR DEFENDANT-
INTERVENOR STATE OF WEST VIRGINIA**

PATRICK MORRISEY
ATTORNEY GENERAL

/s/ Julie A. Warren

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Dated: December 5, 2014

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Defendants.

CERTIFICATE OF SERVICE

I, Elbert Lin, counsel for the Movant, hereby certify that on December 5, 2014, I electronically filed the foregoing *Defendants' and Defendant-Intervenor's Unopposed Joint Motion to Extend the Deadline to Respond to Plaintiffs' Motion for Attorneys' Fees, Expenses and Costs* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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s/ Julie A. Warren

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